



(Substitute) PTO/SB/21 (02-04)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/778,325	
	Filing Date	February 7, 2001	
	First Named Inventor	Bruce S. Marks	
	Art Unit	1774	
	Examiner Name	Lawrence Ferguson	
Total Number of Pages in This Submission	171	Attorney Docket Number	A1019/20268

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard, 9 References
<div>Remarks</div> <p>Please charge Attorney Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.; Customer No. 03000
Signature	<i>Mart L Faigus</i>
Date	September 20, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Martin L. Faigus		
Signature	<i>Mart L Faigus</i>	Date	09/20/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180.00

## Complete if Known

Application Number	09/778,325
Filing Date	2/7/2001
First Named Inventor	Bruce S. Marks
Examiner Name	Lawrence Ferguson
Art Unit	1774
Attorney Docket No.	A1019/20268

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

03-0075

Caesar, Rivise et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 180.00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Martin L. Faigus	Registration No. (Attorney/Agent)	24,364	Telephone	215-567-2010
Signature		Date	9/20/2004		

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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicants: Bruce S. Marks

Serial No: 09/778,325

Filed: February 7, 2001

Att. Docket No.: A1019/20268

Group Art Unit: 1774

Examiner: Lawrence D. Ferguson

Confirmation No. 4861

For: METALLIZABLE WHITE OPAQUE FILMS, METALLIZED FILMS MADE  
THEREFROM AND LABELS MADE FROM THE METALLIZED FILMS

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application and that the reference be made of record therein and appear among the "References Cited" on any patent to issue there from. No representation is made that the reference(s) is/are prior art with respect to this application.

Liu et al. U.S. Patent No. 4,931,327 discloses a white opaque oriented polypropylene film for a tamper-evident package including a core layer and at least one cavitated skin layer having an internal cohesiveness that is less than the internal cohesiveness and bonding strength of an adhesive layer applied to the cavitated skin. The disclosed adhesive can be either a heat-seal adhesive or a cold seal adhesive that can seal to itself; not a cold glue adhesive. The disclosed

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cold-seal adhesives are usually rubber-based materials. (Column 3, line 66 – column 4, line 1). Cold seal coatings, rather than heat seal coatings are generally employed to package products which would be damaged by the application of heat, such as ice cream, candy bars and confections. (Column 4, lines 1 – 3).

The cavitated-tamper evident skin upon which the cold-seal coatings can be applied is disclosed as including a cavity-inducing filler being present in amounts from about 1 - 20 weight percent of the skin layer prior to orientation, with about 10 - 15 weight percent being preferred.

Swan et al. U.S. Patent No. 4,965,123 discloses opaque oriented polymeric film structures including a thermoplastic polymer matrix core layer within which is located a strata of voids, and at least one thermoplastic polymer matrix skin layer adhered to a first surface of the core layer and also including a strata of voids therein. An opposed skin layer optionally can be free of voids.

One disclosed use of the polymeric film structures is as label stock. Swan specifically requires that the core layer of a multilayer film include a void-created additive in it. Specifically, in the paragraph beginning on line 8 of column 7, Swan et al. state that the void-initiating particles can be present in up to about 20% by weight of the core layer prior to orientation, with a preferred range being from about 2 to about 7% by weight.

Swan et al. further state that at least one of the skin layers should have voids created therein and specifically state that in label applications the function of the voided skin layer is to improve the cutability of the film (paragraph beginning on line 44, column 7).

Swan et al. state that the paper-like cutting characteristics have been found to be particularly beneficial in the production of co extruded pressure-sensitive label stock material having a peelable backing affixed to it.

Swan et al. state that the void-initiating particles employed in the skin layer can be present in an amount of up to about 70% by weight of the skin layer prior to orientation, with the preferred range being from about 5 to about 20% by weight (column 8, paragraph beginning on line 5). Swan et al. do not disclose any relationship between the desired percentage of void-initiating particles and the use of a cold glue adhesive of the type employed in the present invention. Stating this another way, the Swan et al. patent includes no suggestion of correlating the degree of voiding in the skin layer with the use of a aqueous cold glue adhesive.

Swan et al. only disclose the use of pressure-sensitive adhesives; not cold glue adhesives. Specifically, Swan et al. state, in column 9, the sentence beginning on line 23, that non-solvent pressure-sensitive adhesive materials are preferred to solvent-based pressure-sensitive adhesive materials. The acceptable materials described in the paragraph beginning on line 43 of column 9 are rubber-based pressure sensitive adhesives; not aqueous-based cold glue adhesives of the type employed in the present invention.

Courtaulds International Publication WO 89/02859 discloses a polymeric film including, in its broadest disclosure, a layer of propylene homopolymer, as a core layer, a layer of voided propylene on one side and a layer of a printable polymer on the other side.

The '859 publication states that the voiding agent in the voided polypropylene is in the range of 4 - 25%; more preferably 15 - 25%, and when chalk is employed to provide a good tamper-evident seal, the voided layer should include 20 - 25% voiding agent. The disclosed percentage of voiding agent is intended to create a weak interface between the propylene homopolymer and the voided polypropylene layer, such that evidence of tampering is shown by separation of the voided layer from the propylene homopolymer layer.

The Courtaulds '859 publication does not disclose any metallized film. It does not suggest any correlation between the amount of voiding agent and a cold glue adhesive. In fact, there is no suggestion of employing the polymeric film with a cold glue adhesive.

The Courtaulds '859 publication discloses the inclusion of a polymeric layer on a voided polypropylene layer to provide heat sealability. Suitable polymers for providing heat sealability are identified. The '859 publication discloses using heat seal or cold seal methods (page 7), but does not disclose the use of an aqueous, cold glue adhesive of the type employed in the present invention. Specifically, there is no mention of using cold-water based glues and correlating the use of such glues with the use of any percentage of voiding agents in the film layer to which any bonding layer is to be employed.

Canadian Patent No. 2,125,891 discloses a laminate film including a polypropylene layer, which either can act as a barrier coating receiving layer by including a hard resin in it, or alternatively, a separate barrier coating receiving layer with the hard resin coating in it can be provided on the original layer.

The Canadian '891 patent specifies that an additional layer can be applied on the other side of the multilayer structure, which can be, for example, "a conventional sealable, e.g., heat sealable; printable, or slip layer." The patent then discloses suitable heat sealing layers on page 12 of the specification.

The Canadian '891 patent does not disclose the use of any cold glue adhesive. Moreover, there is no disclosure of including a voiding agent in any adhesive retaining layer to accommodate any adhesive, let alone a cold glue adhesive.

Mitsui European Patent EP0779325 discloses a porous uniaxially or biaxially stretched film that is formed from a resin composition containing 25 - 70 parts by weight of a polyolefin

resin and 75 - 30 parts by weight of an inorganic filler. The film is described as having a softness and feel of cloth, with good moisture vapor transmission and good uniformity of film thickness. The function of the particular material disclosed in the Mitsui publication is to create a breathable substrate for use as a cloth substitute. There is no suggestion of applying a cold glue adhesive to any porous layer or of employing the product in applications requiring any such adhesive.

Courtaulds European Patent 0546741 discloses in-mold labels and articles having such labels applied to it. The label is described as having a non-voided core layer and a voided propylene homopolymer outer layer that attaches to the molded article. The patent does not disclose providing any voided layer for receiving a cold glue adhesive. The voided layer receives the thermoplastic polymer that is molded directly against the label.

The Courtaulds '741 patent states that the inorganic material can be chalk, and that the chalk content of the voided layer preferably is "up to 5% by weight of the layer." Courtaulds states that the amount of voiding agent usually should be at least 2.5% and can go up to 15% by weight of the layer, with preferred amounts of voiding agents being in the range of 5 - 10% by weight.

Thus, the '741 European patent does not relate to any label stock wherein a cold glue adhesive is used. In accordance with the invention described in the '741 patent attachment is directly to the molten polymer employed in the in-mold labeling operation. Moreover, the amount of voiding agent suggested for use in the layer closest to the molded polymer is in a range well below the acceptable range in the present invention.

Process Resources Corporation International Publication W0 99/19412 discloses techniques for labeling of plastic, glass or metal containers or surfaces with polymeric labels

employing a cold glue adhesive. In accordance with these methods, a hydrophilic, solid material is applied to the polymeric label, which either functions as the adhesive, or receives a cold glue adhesive on it. There is no disclosure of providing a voided layer for receiving a cold glue adhesive.

The ACS Symposium Series 440 article generally describes metallizing polypropylene after pretreatment in nitrogen.

Squire et al. U.S. Publication No. 2002/0146520 was filed on January 26, 2001. The claims which will be presented for consideration herein, in response to the outstanding Office Action of March 30, 2004, will all be entitled to the February 8, 2000 filing date of Provisional Application Serial No. 60/181,036. Thus, the Squire et al. '520 published application will not be an effective reference against the claims that will be presented for consideration in this application.




This Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), but before the mailing date of any of a final action under 37 §1.113, a Notice of Allowance under 37 CFR §1.311 or an action that otherwise closes prosecution in the application. Please debit Deposit Account No. 03-0075 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) and/or debit or credit said Deposit Account as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached. 37 CFR §1.97 (C) (2).

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

9/20/04, 2004

Please charge or credit our  
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necessary to affect entry  
and/or ensure consideration  
of this submission.

By   
Martin L. Faigus  
Registration No. 24,364  
Customer No. 03000  
(215) 567-2010  
Attorneys for Applicants

CERTIFICATE OF MAILING

I hereby certify that the foregoing INFORMATION DISCLOSURE STATEMENT and attached PTO Form 1449, re Application No. 09/778,325 are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Sept. 20, 2004.



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Martin L. Faigus

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Substitute for Form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheet as necessary)

Complete if Known

Application Number	09/778,325
Filing Date	02/07/01
First Named Inventor	Bruce S. Marks
Group Art Unit	1774
Examiner Name	L. Ferguson
Attorney Docket Number	A1019/20268
Customer #	03000
Confirmation No.	4861

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		4,931,327		Liu, et al.	06/05/1990
		4,965,123		Swan, et al.	10/03/1990

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T
		Office	Number	Kind Code (if known)			
			WO 89/02859		Courtaulds	04/06/1989	
			CA 2,125,891		Applied Extrusion Technologies, Inc.	12/16/1994	
			EP 0779325		Mitsui Chemicals	06/18/1997	
			EP 0546741	B	Courtaulds	08/13/1997	
			WO 99/19412		Process Resources Corporation	04/22/1999	
			WO 02/059860	A2	ExxonMobil	08/01/2002	

**OTHER - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
		ACS Symposium Series, metallization of polymers, polypropylene and aluminum adhesion improvement by N2 low-pressure plasma treatment, American Chemical Society Chapter 31, pages 431 - 32, dated September 1989	

\*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.